



ఆంధ్రప్రదేశ్ రాజపత్రము
THE ANDHRA PRADESH GAZETTE
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AMARAVATI, WEDNESDAY, APRIL 17, 2019

G.30

PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

**CHIEF EXECUTIVE OFFICER,
A. P. STATE WAQF BOARD, VIJAYAWADA.**

KURNOOL DISTRICT - GUDUR MANDAL - PONNAKAL VILLAGE - DARGAH CALLED AS MINULLAH SAHIB DARGAH - SRI.SYED DADA BASHA, S/O. LATE SYED MASOOM PEER RECOGNIZED AS MUTAWALLI U/SEC.42 OF THE WAQF ACT, 1995.

- Read : 1) Joint representation received from (i) Sri Syed Mahaboob Basha, (ii) Sri S.Dada Basha and (3) others, residents of Ponnakal (V), Gudur (M), Kurnool Dist, Dated: 02-04-2018.
- 2) This Office Memo No., Dated:10-04-2018.
 - 3) Report of the I.A. Waqfs, Kurnool, Dated: 10-7-2018.
 - 4) This Office Notification even No., Dated: 09-08-2018.
 - 5) Report of the I.A. Waqfs, Kurnool, District, Dated: 29-09-2018.
 - 6) Orders of the Hon'ble Chairperson, APSWB, Dt: 15-10-2018
 - 7) Board's Resolution No.164/2018, Dt: 13-11-2018.
 - 8) This office letter even No., Dated: 28-11-2018.
 - 9) Remarks received from Joint Collector, Guntur District & Hon'ble Board Member of APSWB, Dated: 01-02-2019
 - 10) Orders of the Hon'ble Chairperson, APS Waqf Board, Dt: 2-02-2018.
 - 11) Board's Resolution No.30/2019, Dated: 02-02-2019.
 - 12) Orders of the Hon'ble Chairperson, APSWB, Dated: 18-02-2019.

F.No. 29/M/KNL/2012/Z-IV,- The Waqf institution namely Minullah Sahib Dargah - Sunni situated at Ponnakal Village, Gudur Mandal, Kurnool District and its attached landed properties in Sy.No. 1040, Ac. 13.85 cents, in Sy.No.1044, Ac. 53.75 cents situated at Gudur (V), and Sy.No.37, Ac.32.53 cents situated at Brahmanadoddi (V) making a total of Ac. 100.13 cents is a notified Waqf and got published in the A. P. Gazette No.43-A, Dated: 24-10-1963 at Serial No. 3026 under the Mutawalliship of Sri. Syed Masoom Basha. The Rule of Succession to the Office of the Mutawalli is Hereditary by Custom. After the death of notified Mutawalli, the Board has appointed Sri. Syed Akbar Hussaini as a Mutawalli in the place of his father Sri. Syed Masoom Basha and published in the A.P. Gazette No.08, Dated: 22-02-1979 and the said Mutawalli also expired on 07-10-2011.

In the ref. 1st read above, joint application received from 1) Sri Syed Mahaboob Basha 2) Sri Syed Asgar Hussaini, 3) Sri Syed Lateef Hussaini, 4) Sri Syed Dada Basha and 5) Sri Syed Chand Basha, S/o. late Syed Masoom Peer, R/o. Ponnakal Village, Gudur Mandal, Kurnool District and requested for appointment of Mutawalli in place of his father in respect of subject Waqf Institution.

In the ref. 2nd read above, this office issued Memo to I.A Waqf, Kurnool District for calling detail report on the representation vide ref. 1st read above.

Accordingly, the Inspector Auditor, Waqf, Kurnool District has submitted report vide in the ref. 3rd read above, and recommended to appoint Sri Syed Dada Basha as Mutawalli to the subject Waqf institution in place of his father late Sri Syed Masoom Peer and further submitted affidavit signed by other (4) applicants i.e., 1) Sri Syed Mahaboob Basha, 2) Sri Syed Asgar Hussaini, 3) Sri Syed Lateef Hussaini and 4) Sri Chand Basha have withdrawn for the appointment of Muthawalli and accordingly given NOC affidavit on Notary.

In the ref. 4th read above, a paper Notification was issued for calling claims and objections if any, for appointment of Mutawalli to Sri Syed Dada Basha in the place of his father late Sri. Syed Masoom Peer to the subject Waqf institution within a period of (15) days from the date of publication of this notification with documentary evidence, otherwise the matter will be decided on the basis of the material available on record.

In the ref. 5th read above, the Inspector Auditor Waqfs, Kurnool District has reported that there are no claims or objections have been received on the Notification published in the Andhra Prabha Telugu Daily News paper Dated: 15-09-2018, in the Kurnool District Edition.

The matter was placed before the Hon'ble Chairperson, who after careful examination and passed orders vide in the ref. 6th read above, place the matter before the Board meeting for discussion and decision in the matter.

Accordingly, the matter was placed before the Board Meeting and the Board was passed Resolution vide in the ref. 7th read above, it is unanimously resolved to refer the matter to Janab A.Md. Intiaz, I.A.S., & Hon,ble Board Member of APSWB, for required examination and to provide his remarks for placement in the next Board meeting.

Accordingly, this office has requested to the Hon'ble Board Member vide in the ref. 8th read above, to kindly examine the matter and furnish the remarks in respect of subject Waqf institution to place the matter before the Board.

In the ref. 9th read above, Sri A.Md. Imtiaz, IAS, Addl District Magistrate & Joint Collector, Guntur District and the Hon'ble Board Member has furnished his remarks and inform that the applicant Sri Syed Dada Basha S/o. Syed. Masoom Peer is eligible person for appointment of Mutawalli in respect of the subject Dargah in place of his deceased father (Sri. Syed Masoom Peer) U/Sec. 42 of Waqf Act, 1995.

In the ref. 10th read above, the Hon'ble Chair person who after careful examination and passed orders to the place matter in the Board meeting.

Accordingly, the subject matter was placed before the Board and the Board has passed a Resolution in the ref. 11th read above, "It is unanimously resolved that Sri Syed Dada Basha, S/o. Syed Masoom Peer is recognized as Muthawalli U/Sec. 42 of Waqf Act, 1995 for the subject Waqf institution for managing the affairs of the subject Waqf Institution by following Waqf Act, 1995 and Waqf Rules".

In the ref. 12th read above, the matter placed before the Hon'ble Chairperson for implementation of the Resolution No.30/2019, Dt: 02-02-2019, who agreed to issue orders.

Accordingly, Sri.Syed Dada Basha, S/o. Late Syed Masoom Peer is hereby recognized as Mutawalli for the subject Waqf institution U/sec. 42 of Waqf Act, 1995 for managing the affairs of the subject Waqf Institution by following Waqf Act, 1995 and Waqf Rules.

The Mutawalli should discharge his legitimate duties strictly as determined in Section 50 of Waqf Act, 1995 read with Rule 20 of A.P. Waqf Rules, 2000 and should follow the instructions issued by the Board from time to time. He should submit the Accounts, Budget, Income & Expenditure statements and pay Waqf fund properly, failing which action will be taken against him U/Sec. 61 and 64 of the Waqf Act, 1995 as the duties mentioned below.

- a) To implement the orders issued by the Board from time to time.
- b) To carry out the directions of the Board
- c) To allow inspection of the Inspector Auditor, Waqfs regarding property, accounts, records, deeds and documents relating thereof.
- d) To discharge all public duties.
- e) To do any other Act which he is Lawfully required to do so or under this Act.
- f) Shall render proper and correct accounts of the Institution and its attached properties and shall not suppress any facts.
- g) That the Mutawalli is restricted to grant lease of Waqf property exceeding one year.

- h) The Mutawalli should follow the Norms fixed in Section 56 of the Waqf Act, 1995 while granting Lease of any agricultural land. He should follow Lease Rules, 2014 to put open auction through A.P. State Waqf Board.
- i) He will not entitled to expend the Monies of Waqf exceeding @ 10% of the Net annual Income.

As per Sec. 101 (2) of Waqf Act, 1995, "Every Mutawalli of a Waqf, every member of managing committee whether constituted by the Board or under any deed of Waqf, every Executive Officer and every person holding any office in a Waqf shall also be deemed to be a public servant within the meaning of Sec.21 of the Indian Penal Code". As such, for the illegal acts if any, every member of the committee will be liable for penal action. The Muthwalli shall also noted that Sec.3 (ee) defined encroacher, Sec. 52-A explain rigorous punishment up to (2) years and Sec.61 speaks penalty and punishment up to (6) months for the lapses / charges shown therein, hence should act carefully diligently and maintain accounts scrupulously.

The APSWB reserves its right to modify / cancel / alter / with hold the order at any time without assigning any reasons thereof.

SHAIK AHAMMED,
Chief Executive Officer,
Andhra Pradesh State Waqf Board,
Vijayawada.

Dated: 22-02-2019.

To
Sri. Syed Dada Basha,
S/o. Late Syed Masoom Peer,
Muthwalli, Dargah (Minuallah Sahib Dargah),
Ponnakal (V), Gudur (M),
Kurnool District. (Through I.A. Waqf, Kurnool District.)

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